

Introduced: 1/16/73  
Referred: Resources and  
Judiciary

1 IN THE HOUSE

BY WARWICK

2 HOUSE BILL NO. 73

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act restricting open-to-entry lands to state  
7 residents."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 38.05.077 is amended to read:

10 Sec. 38.05.077. ENTRY PROCEDURES ON CERTAIN STATE LAND. (a)

11 When land has been classified as "land open to entry," a resident  
12 [AN INDIVIDUAL] who is qualified under law to acquire state land may  
13 enter upon and occupy the land under the following procedures.

14 (1) Land may be classified as land open to entry only after  
15 the classification has been approved at a public hearing or hearings  
16 conducted by the state in the area where the land to be classified is  
17 located. A resident [PERSON] who is qualified under law to acquire  
18 state land may request a public hearing by petition.

19 (2) Concurrent with the entry the entryman shall file with  
20 the division of lands an application to lease, which application shall  
21 be accompanied by the appropriate minimum annual rental and filing  
22 fee, together with a sketch plat of the area entered. When the appli-  
23 cation has been approved, the division shall tender the entryman a  
24 negotiated five-year lease, which is subject to renewal on its expira-  
25 tion date for a like term.

26 (3) If entry is made upon a parcel of land which has not  
27 been surveyed by the state or federal government and entry is permitted,  
28 the entry may not encompass an area which exceeds five acres or  
29 includes more than 400 feet of water frontage of any sort.

1 (4) Before a person may purchase the parcel of land upon  
2 which he has entered, he shall have a survey made of the entry. The  
3 entryman may contract to have the survey completed by anyone who is  
4 qualified under the laws of this state to make this survey. The  
5 survey shall be made in accordance with the criteria established by  
6 the division of lands. When the entry has been made upon land previously  
7 surveyed into parcels by the division of lands, the entryman's survey  
8 costs of the parcel upon which he has made his entry shall be the pro  
9 rata cost which the area of entry bears to the total survey costs on  
10 an acreage basis. This formula may be predicated upon water frontage  
11 on a pro rata basis when in the judgment of the director, the formula  
12 would achieve a more equitable distribution of the total survey costs.

13 (5) When the entry is made on land that adjoins an existing  
14 survey, the survey of the entry shall be made in a manner that conforms  
15 to the pre-existing survey and the director reserves the right to  
16 require modification of the survey to accomplish this end.

17 (6) When the entry has been made upon land that has been  
18 selected by the state and upon which the state has not received tenta-  
19 tive approval or patent, the entry shall be approved only on the basis  
20 of a renewable lease. When tentative approval or patent has been  
21 received by the state, the lessee may relinquish his lease and acquire  
22 patent to the entry by negotiated purchase upon the terms and conditions  
23 provided for in this section.

24 (7) No individual may acquire more than one parcel of land  
25 from the state under the provisions of this section.

26 (8) When the entryman has qualified to receive title to the  
27 land upon which he has made entry by satisfying all the requirements  
28 of this section, he shall deposit with the director a sum of money  
29 equal to the fair market value of the land at the time of entry.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

(b) In (a) of this section "resident" means a person who

(1) maintains a place of residence within the state;

(2) is not claiming residency in another state;

(3) has been a resident of the state for at least one  
year immediately preceding his application to lease;

(4) shows by all attending circumstances that his intent is  
to make this state his permanent residence.